



General Assembly

Substitute Bill No. 186

February Session, 2010

* ____SB00186GL____031110____ *

**AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS
IN HEALTH CLUBS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-223 of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2011*):

4 (a) Each individual place of business of each health club shall obtain
5 a license from the Department of Consumer Protection prior to the sale
6 of any health club contract. Application for such license shall be made
7 on forms provided by the Commissioner of Consumer Protection and
8 said commissioner shall require as a condition to the issuance and
9 renewal of any license obtained under this chapter (1) that the
10 applicant provide for and maintain on the premises of the health club
11 sanitary facilities; (2) that the applicant (A) (i) provide and maintain in
12 a readily accessible location on the premises of the health club at least
13 one automatic external defibrillator, as defined in section 19a-175, and
14 (ii) make such location known to employees of such health club, (B)
15 ensure that at least one employee is on the premises of such health
16 club during staffed business hours who is trained in cardiopulmonary
17 resuscitation and the use of an automatic external defibrillator in
18 accordance with the standards set forth by the American Red Cross or
19 American Heart Association, (C) maintain and test the automatic

20 external defibrillator in accordance with the manufacturer's guidelines,
21 and (D) promptly notify a local emergency medical services provider
22 after each use of such automatic external defibrillator; (3) that the
23 application be accompanied by (A) a license or renewal fee of two
24 hundred fifty dollars, (B) a list of the equipment and each service
25 [which] that the applicant intends to have available for use by buyers
26 during the year of operations following licensure or renewal, and (C)
27 two copies of each health club contract [which] that the applicant is
28 currently using or intends to use; and [(3)] (4) compliance with the
29 requirements of section 21a-226. Such licenses shall be renewed
30 annually. The commissioner may impose a civil penalty of not more
31 than three hundred dollars against any health club that continues to
32 sell or offer for sale health club contracts for any location but fails to
33 submit a license renewal and license renewal fee for such location not
34 later than thirty days after such license's expiration date.

35 (b) No health club shall (1) engage in any act or practice [which] that
36 is in violation of or contrary to the provisions of this chapter or any
37 regulation adopted to carry out the provisions of this chapter,
38 including the use of contracts [which] that do not conform to the
39 requirements of this chapter, or (2) engage in conduct of a character
40 likely to mislead, deceive or defraud the buyer, the public or the
41 commissioner. The Commissioner of Consumer Protection may refuse
42 to grant or renew a license to, or may suspend or revoke the license of,
43 any health club which engages in any conduct prohibited by this
44 chapter.

45 (c) If the commissioner refuses to grant or renew a license of any
46 health club, the commissioner shall notify the applicant or licensee of
47 the refusal, and of [his] the applicant's or licensee's right to request a
48 hearing [within] not later than ten days [from] after the date of receipt
49 of the notice of refusal. If the applicant or licensee requests a hearing
50 within [ten days] such ten-day period, the commissioner shall give
51 notice of the grounds for [his] the commissioner's refusal to grant or
52 renew such license and shall conduct a hearing concerning such
53 refusal in accordance with the provisions of chapter 54 concerning

54 contested matters.

55 (d) The Attorney General, at the request of the Commissioner of
56 Consumer Protection, [is authorized to] may apply in the name of the
57 state of Connecticut to the Superior Court for an order temporarily or
58 permanently restraining and enjoining any health club from operating
59 in violation of any provision of this chapter.

60 Sec. 2. Subsection (a) of section 52-557b of the 2010 supplement to
61 the general statutes is repealed and the following is substituted in lieu
62 thereof (*Effective January 1, 2011*):

63 (a) A person licensed to practice medicine and surgery under the
64 provisions of chapter 370 or dentistry under the provisions of section
65 20-106 or members of the same professions licensed to practice in any
66 other state of the United States, a person licensed as a registered nurse
67 under section 20-93 or 20-94 or certified as a licensed practical nurse
68 under section 20-96 or 20-97, a medical technician or any person
69 operating a cardiopulmonary resuscitator or a person trained in
70 cardiopulmonary resuscitation in accordance with the standards set
71 forth by the American Red Cross or American Heart Association, or a
72 person operating an automatic external defibrillator, who, voluntarily
73 and gratuitously and other than in the ordinary course of such person's
74 employment or practice, renders emergency medical or professional
75 assistance to a person in need thereof, shall not be liable to such person
76 assisted for civil damages for any personal injuries which result from
77 acts or omissions by such person in rendering the emergency care,
78 which may constitute ordinary negligence. A person or entity that
79 provides or maintains an automatic external defibrillator shall not be
80 liable for the acts or omissions of the person or entity in providing or
81 maintaining the automatic external defibrillator, which may constitute
82 ordinary negligence. The immunity provided in this subsection does
83 not apply to acts or omissions constituting gross, wilful or wanton
84 negligence. With respect to the use of an automatic external
85 defibrillator, the immunity provided in this subsection shall [only]
86 apply to acts or omissions involving the use or nonuse of an automatic

87 external defibrillator. [in the rendering of emergency care.] Nothing in
 88 this subsection shall be construed to exempt paid or volunteer
 89 firefighters, police officers or emergency medical services personnel
 90 from completing training in cardiopulmonary resuscitation or in the
 91 use of an automatic external defibrillator in accordance with the
 92 standard set forth by the American Red Cross or American Heart
 93 Association. For the purposes of this subsection, "automatic external
 94 defibrillator" means a device that: (1) Is used to administer an electric
 95 shock through the chest wall to the heart; (2) contains internal
 96 decision-making electronics, microcomputers or special software that
 97 allows it to interpret physiologic signals, make medical diagnosis and,
 98 if necessary, apply therapy; (3) guides the user through the process of
 99 using the device by audible or visual prompts; and (4) does not require
 100 the user to employ any discretion or judgment in its use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	21a-223
Sec. 2	<i>January 1, 2011</i>	52-557b(a)

GL *Joint Favorable Subst.*